

App. No. 10/716,800
Amdt. Dated March 3, 2006
Reply to Office Action of January 3, 2006
Atty. Dkt. No. 8591-113

REMARKS/ARGUMENTS

This reply is responsive to an Office Action mailed on January 3, 2006. Reconsideration and allowance of the application and presently pending claims 1-27 are respectfully requested.

Present Status of the Patent Application

Claims 1-27 remain pending in the present application. Claims 1-27 have been rejected. Claims 1, 2, 10, 11, 19, and 20 have been amended. The amendments to the claims were made to render them more clear and definite and to emphasize the patentable novelty thereof. There is no intent to surrender equivalence.

Response to Claim Rejections Under 35 U.S.C. §112

Claims 1-27 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention regarding the phrase "a confined area" in independent claims 1, 10, and 19. Applicant respectfully traverses this rejection. However, the Applicant in an effort to move this application forward has removed the allegedly indefinite phrase from the claims. There is no intent to surrender equivalence.

Response to Claim Rejections Under 35 U.S.C. §102

Claims 1-27 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Gaukel (US Pat. No. 6,100,806). Applicant respectfully traverses this rejection.

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Gaukel discloses an apparatus and method of monitoring mobile objects or persons utilizing the Global Positioning System satellites and cellular telephone communications. The apparatus includes remote units capable of receiving positioning information from the GPS satellites and transmitting information via cellular telephone communications to a central tracking station. The remote units may also monitor other data items such as system integrity, motion, temperature, etc. As shown in FIG. 14, a path previously traveled by a person being tracked from one location to a present location, for a given period of time, is displayed.

For a proper rejection of a claim under 35 U.S.C. §102(b), the cited reference must disclose all elements/features/steps of the claim. See, e.g., *E.I. du Pont Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

Independent Claim 1

Independent claim 1, as amended, is allowable for at least the reason that Gaukel does not disclose, teach, or suggest that "[a] method of communication for a facility" or "displaying direction indicia from the location of the displaying station to a selected one of said icons."

In this regard, and with reference to the teaching of the Gaukel patent, the Office Action has cited the abstract; FIGS. 1-3, 13, and 14; and col. 19, line 1 to col. 20, line 30.

As can be verified from a review of these cited portions of Gaukel, there is no teaching or disclosure of "[a] method of communication for a facility." Instead, Gaukel merely discloses in the abstract "[a]n apparatus and method of monitoring mobile objects or persons utilizes the Global Positioning System satellites and cellular telephone communications." The Global Positioning System (GPS), as the name implies, covers the entire globe; and cellular telephone communications, while not

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completely global, cover a significant portion of the globe. The globe or a significant portion of the globe would not be considered "a facility." In fact, the method of Gaukel appears to teach away from "a facility" by monitoring between a plurality of facilities such as home, work, school, DOC, store, and even the continental United States, as shown in FIG. 13. Furthermore, a goal of Gaukel is to know where the person is at all times, not just when they are in the areas that they are allowed to be in, such as inclusion zones, but also in exclusion zones, or the entire continental United States as shown in Fig. 11. The entire continental United States could not be considered "a facility." Therefore, Gaukel does not disclose "[a] method of communication for a facility."

As can be further verified from a review of these cited portions of Gaukel, there is no teaching or disclosure of "displaying direction indicia from the location of the displaying station to the selected one of said icons." Instead, Gaukel merely discloses in FIG. 14 a display of a download of time stamped geographic locations of a remote unit. This display merely shows a path the remote unit has already traveled previously without any relationship to the graphic work station 80 or the customer's work station 92, not a "direction indicia from the location of the displaying station to a selected one of said icons." Therefore, Gaukel does not disclose "displaying direction indicia from the location of the displaying station to the selected one of said icons."

There is no teaching, nor suggestion, of a guest, nor "personal identification information of a guest." Gaukel merely teaches illustrating a path previously traveled by a person.

Additionally, there is no disclosure, nor suggestion, of "receiving personal identification information of a guest into at least one of a set of stations distributed throughout the facility." Gaukel does not disclose a "guest," nor "personal identification information" from a guest. Also, Gaukel does not disclose a "set of stations distributed

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throughout the facility." Instead, Gaukel discloses computers disclosed throughout the United States, but not confined within a facility. Certainly, there is no suggestion in Gaukel of guests using "a set of stations distributed throughout a facility."

Gaukel furthermore does not teach nor suggest "receiving from the guest at the displaying terminal a selected signal indicative of at least one of said person icons or place icons located within the facility." Gaukel does not select any icon. Instead, Gaukel merely discloses a previously traveled path of a given individual being tracked anywhere he or she might travel.

Additionally, Gaukel does not teach, nor suggest, "selecting a certain route from the displaying station to a location of the selected one of said icons located within the facility." Gaukel does not select any route. Instead, Gaukel merely displays a previously traveled route for a given individual being tracked anywhere he or she goes, and not just within a certain facility.

In short, Gaukel does not disclose a "facility," a "guest" having "personal identification information," "receiving from the guest a select signal," "selecting a certain route," nor "displaying direction indicia from the location of the displaying station to the selected one of said icons located within the facility."

Accordingly, the rejection is deficient in these areas. Notwithstanding, the undersigned has reviewed the entirety of the Gaukel patent and has failed to identify any such teachings anywhere within this reference. Accordingly, the Gaukel patent fails to teach or disclose the invention as defined by claim 1, and the rejection of claim 1 should be withdrawn.

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Independent Claim 10

Independent claim 10, as amended, is allowable for at least the reason that Gaukel does not disclose, teach, or suggest the various claimed features as described above regarding claim 1. Accordingly, the Gaukel patent fails to teach or disclose the invention as defined by claim 10, and the rejection of claim 10 should be withdrawn.

Independent Claim 19

Independent claim 19, as amended, is allowable for at least the reason that Gaukel does not disclose, teach, or suggest the various claimed features as described above regarding claim 1. Accordingly, the Gaukel patent fails to teach or disclose the invention as defined by claim 19, and the rejection of claim 19 should be withdrawn.

Dependent Claims

Dependent claims 2-9, 11-18, and 20-27 are believed to be allowable for at least the reason that these claims depend from allowable independent claims 1, 10, and 19, respectively. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

CONCLUSION

The other cited art of record has been reviewed, and it is believed that the claims, as amended, patentably distinguish thereover.

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and rejections have been traversed, rendered moot, and/or accommodated, and that now pending claims 1-27 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion

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of the Examiner, a telephonic conference would expedite the examination of this matter,
the Examiner is invited to call the undersigned at 619-231-3666.

Please direct all correspondence to the undersigned attorney or agent at the
address indicated below.

Respectfully submitted,

By: Bernard L. Kleinke

Bernard L. Kleinke
Attorney for Applicant
Registration No. 22,123

Date: March 3, 2006

DUCKOR SPRADLING METZGER & WYNNE
A Law Corporation
401 West A Street, Suite 2400
San Diego, California 92101-7915

Telephone No.: 619.231.3666
Facsimile No.: 619.231.6629
Email Address: kleinke@dsmwlaw.com